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Appl. No. 09/869,635  
Amtd. Dated August 2, 2004  
Reply to Office action dated December 2, 2004

### REMARKS

Entry of the present amendment and reconsideration of the above-identified application in view of the present amendment is respectfully requested.

The present amendment addresses the concerns of the Examiner. In short summary, it appears that the Examiner believes that the use of the term "adapted" indicates that the claimed device will have the ability to take on some new structure or function. However, as discussed during the telephone interview of August 31, 2004, the use of the term "adapted" was intended to indicate that the device is already constructed and configured to accomplish the stated functions.

Regardless, in an effort to remove all possible hesitation on the part of the Examiner, the claims have been addressed as it is believed is desired by the Examiner. In particular, the claims are now believed to be presented in a form similar to previous claim 9, which was indicated by the Examiner as being the type of claim presentation which is preferred by the Examiner.

As such, it is respectfully submitted that all of the issues raised within the last Office action has now been addressed. Accordingly, it is respectfully submitted that the above-identified application is in condition for allowance and allowance of the application is respectfully requested.

If the Examiner still perceives some impediment to allowance of the subject application, the Examiner is invited to contact the undersigned attorney so that the Examiner and the undersigned attorney may work together towards resolution of any such issue.

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If there are any further fees required by this communication which are not covered by an enclosed check, please charge such fees to our Deposit Account No. 16-0820, Order No. 33774.

Respectfully submitted,

PEARNE & GORDON LLP



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Ronald M. Kachmarik, Reg. No. 34512

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

December 2, 2004

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Express Mail: 217 No. 25079  
 Inventor / Applicant: HOWARD LEBRON et al.  
 Title: Method and Apparatus for identifying structures  
 Serial No. 09/126,135 Patent No. \_\_\_\_\_ Date: \_\_\_\_\_  
 Filed: July 2, 2004 Examiner: \_\_\_\_\_  
 Enclosed Are:  
☐ **PATENT APPLICATION**  
     \_\_\_\_ New Application Transmittal  
     \_\_\_\_ Fee Transmittal (in duplicate)  
     \_\_\_\_ Application Data Sheet  
     \_\_\_\_ Declaration & Power Of Attorney \_\_\_\_\_ pgs.  
     \_\_\_\_ Pgs. of Claims \_\_\_\_\_  
     \_\_\_\_ Sheet(s) of Drawing(s)  
         \_\_\_\_ Formal      \_\_\_\_\_ Informal  
     \_\_\_\_ Continuation or Division  
☐ **ASSIGNMENT** \_\_\_\_\_ pgs.  
     \_\_\_\_ Transmittal(s)  
     \_\_\_\_ Original \_\_\_\_\_ Copies  
☐ **INFORMATION DISCLOSURE**  
     \_\_\_\_ PTO-1449      Refs.  
☒ **AMENDMENT** E 5 pages  
     In Response to Paper No. \_\_\_\_\_

Priority Documents: \_\_\_\_\_ listed below  
 Other: \_\_\_\_\_  
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 ACKNOWLEDGES RECEIPT OF:

DT03 Rec'd PCT/PTO 06 DEC 2004